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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,968	09/26/2001	Zhenyu Gao	USP1664A-ZYG	5187

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Knobbe Martens Olson & Bear LLP  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614

EXAMINER

Pyzocha, Michael J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/965,968

Applicant(s)

GAO, ZHENYU

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 13-28 are pending.
2. Amendment filed 09/12/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groshon et al (US 6351811), in view of Korn (US 6880083), in view of Blickenstaff et al (US 5537585) and further in view of Nielson (US 5812398).

As per claim 13, Groshon et al discloses a public web server (figure 1 number 210) authentication checking, decrypting and sending a safe-web-file, wherein when a web visitor's request is received, said public-web-server computer checks said safe-web-file that if said safe-web-file is not altered, deleted or replaced, said public-web-server computer sends back said web-content decrypted from said safe-web-file to said web visitor with http or other protocol; the use of a firewall and the use of servers (see column 4 line 47 through column 5 line 9).

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Groshon et al fails to disclose encrypting the web files, the recovery being automatic, and the firewall being between the server and the backup.

However, Korn teaches encrypting web files (see column 2 lines 25-38), Blickenstaff et al teaches automatic recovery system (see column 3 lines 22-44), and Neilson teaches a firewall between a server and its backup (see column 4 lines 4-14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Korn's encryption and Blickenstaff et al's automatic recovery system and Neilson's firewall in the protection system of Groshon et al.

Motivation to do so would have been to create a secure script (see Korn column 1 lines 55-58), to provide disaster recovery (see column 3 lines 22-44), and to prevent unauthorized access from computers outside the computer system (see Neilson column 4 lines 4-14).

As per claim 15, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses a real-time-check module used on said public-web-server computer for linking to a decryption module of said authentication check means to said web server, wherein said decryption module is able to be

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controlled by events of request received from said web visitor though http protocol (see Korn and Groshon as applied above).

As per claims 16, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses the use of symmetric key encryption (see Korn figure 1 number 107).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system as applied to claim 13 above, and further in view of Bianco (EP 0467239):

As per claim 14, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system fails to disclose chaos encryption.

However Bianco teaches such chaos encryption (see Abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the chaos encryption of Bianco in the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system.

Motivation to do so would have been to protect the files from unauthorized modification (see Abstract).

6. Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system as applied to claim 1 above, further

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in view of Menezes et al (Handbook of Applied Cryptography) and further in view of Thomson (US 5276874).

As per independent claims 18 and 22, the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system discloses the limitations as in claim 13, but fails to disclose the files further including a header which includes a MAC and properties including name, size, date, and location.

However, Thomson teaches a header with the claimed properties (see column 2 lines 23-34) and Menezes et al teaches a MAC (see page 323).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Thomson's header in the modified Groshon et al, Korn, Blickenstaff et al, and Neilson system and to include Menezes et al's MAC using the Chaos encryption key as the key in Menezes et al's MAC in the header.

Motivation to do so would have been to store information relating to a file and to ensure the integrity of the file.

Claims 19-20, 23-24, 27 are similarly rejected as to claims above.

As per claims 16-17, 25-26, Menezes discloses the use of DES (see page 250).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the encryption scheme to be DES.

Motivation to do so would have been that it is recognized worldwide.

As per claims 21 and 28, Menezes discloses the use of MD5 (see page 250).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the MAC to be MD5. Motivation to do so would have been that it has widespread use.

#### ***Response to Arguments***

7. Applicant's arguments filed 09/12/2006 have been fully considered but they are not persuasive. Applicant argues: Applicant argues the claims are non-obvious over the cited prior art specifically citing the number of references used and a declaration under 37 CFR 1.132.

With respect to Applicant's argument directed to the number of references used in the rejection reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Each cited reference provides a teaching of an aspect of the claimed

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invention and each reference provides some sort of teaching as to why one, at the time of the invention, of ordinary skill in the art would make such a modification. These teachings are clearly provided in the above rejections. Applicant states, "the in discussing each reference, Applicant has shown how the reference either teaches away from the claimed invention or does not teach or suggest use in a combination to produce the claimed invention", however, these arguments are not further presented in the response filed 09/12/2006 and in reviewing the previous remarks from 05/16/2006 Applicant does attempt to provide these arguments. However, these remarks were addressed in the office action mailed 06/13/2006 and will not be repeated.

8. The declaration under 37 CFR 1.132 filed 09/12/2006 is insufficient to overcome the rejection of claims 13-28 based upon the obvious-type rejections under 35 USC 103 as set forth in the last Office action because: It refers only to the system described in the above referenced application and not to the individual claims of the application. As such the declaration does not show that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716. The declaration merely states the product is "based on the claimed invention" and "is an embodiment of the present invention" at most the explanation appears to show a nexus between the product



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and claim 13. Furthermore, the secondary consideration provided of winning the award "2005 Best of Interop" is an opinion of what is the best. Zhenyu Gao also declares that the award was based in part on how the product advances the state of the art for secure networking, since this opinion is of the judges at Interop, and there is no explanation as to criteria of the evidence weighed to determine the winner of this award this evidence is not given weight. The only evidence provided (number 5 of the declaration) sheds no light and provides no facts as to how the opinion was formed and there is insufficient to show non-obviousness.

Applicant also restates the claims and states the combination fails to teach the limitations, however, as given in the above rejection the claimed limitations are met by the combination.

### **Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**